

**THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3<sup>RD</sup> FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, APRIL 17, 2007 AT 3:30 P.M.**

**PRESENT:** Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede, Todd Solomon and Larry Kochert.

**OTHERS:** Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

**CALL TO ORDER:**

**Mr. Utz called the meeting to order at 3:33 p.m.**

**PLEDGE OF ALLEGIANCE:**

**Mr. Utz moved to approve the April 13, 2007 minutes as amended, Mr. Zurschmiede second, all voted in favor.**

**COMMUNICATIONS - PUBLIC:**

**Bob Ledford**, 1331 Slate Run Road, stated that he was on the sewer board in 2000 and 2001 and feels that when they were planning the sewer project he made a mistake and he feels that they may be making that same mistake and he would like to give them some advice. He explained how EMC was pushed on them (the sewer board) He recommended that they need to get proposals for other management companies so that we can really know how much it should really cost to manage the plant. He said that he has felt bad that he voted for EMC in the past, not because of the company itself but he would feel that way about any company in the same situation and he thinks it is time to get proposals for this job.

**COMMUNICATIONS - CITY OFFICIALS**

**Mr. Kochert** stated that the line on McDonald Lane is still “belching” and that he has received several calls complaining about the smell. He talked with Brian and he said that one of the manholes has a faulty seal.

**Mr. Dixon** stated the seal has chipped away and he has called Team Contracting.

**Mr. Kochert** stated that it was his recollection that Team had agreed to work with the City if there were any other problems with this line.

**Mayor Garner** said that was his recollection as well.

**Mr. Dixon** said he would let them know as soon as he heard back from Team.

**Mr. Fifer** asked if the condition of the manhole was allowing the odor to escape.

**Mr. Dixon** stated that the gentleman he talked with stated that he heard the flow and then he could smell the odor. He is wondering if there wasn't a build up of gases that blew the seal on the manhole.

**Mr. Zurschmiede** said that the smell is from Roanoke to Knob View but that it isn't every day so he isn't sure why it is doing it.

**Mr. Utz** asked Mr. Dixon if he had talked to Kerry Stemler about a water problem in his parking lot.

**Mr. Dixon** stated that he has not talked with him, but he will look into the problem.

**Mr. Fifer** stated that right after the line was put in that ran across Charlestown Road there was water that seeped up through the asphalt and they thought it was either a water line or an irrigation line.

**SEWER ADJUSTMENTS:**

**Mrs. Welsh** presented an adjustment for 2301 Fairmont Avenue in the amount of \$35.59 explaining that all the information on this one didn't add up.

**Mr. Solomon** stated that he didn't believe that this could be adjusted

**Mrs. Welsh** presented a claim from Northside Christian Church in the total amount of \$1,578.00. Silver Creek reported that a gasket on the meter had failed and has been fixed.

**Mr. Kochert** stated that they had two high bills in the last two years.

**Mr. Utz** stated that they had high bills in September and October of 2006 and asked if there was construction going on then.

**Ms. Wisman** said they were building their Chapel.

**Mayor Garner** said they completed their chapel in of last year. He explained that they may have seeded or laid sod in September but they weren't in construction then. He asked Ms. Welsh if Silver Creek gave them an adjustment on their sewer bill.

**Ms. Welsh** said that she was pretty sure that they did and that they tend to be consistent.

**There was a lengthy discussion regarding the usage for Northside Christian Church.**

**Mr. Solomon moved to approve, Mr. Kochert second, all voted in favor.**

**Mrs. Welsh** presented an adjustment for Colonial Club Homeowner Assoc. who had an underground supply line leaking into the ground in the total amount of \$2,783.44.

**Mr. Solomon** asked why IN-AWC could not see any change in the meter.

**Mrs. Welsh** stated that it was not found until after a homeowner was doing some repairs.

**Mr. Zurschmiede** reported that he manages these condos and he explained that he called American Water to come out and also a company called American Leaks Detection to come out and look at it and they couldn't figure out where the leak was coming from so they sent out flyers to the tenants saying if you see anything let us know and it turned out to be from a unit that the occupants only come to stay in on weekends.

**Mr. Utz** asked if these are individually owned shouldn't they have individual meters.

**Mayor Garner** stated that as long as they are paying the water and sewage there is no problem.

**Mr. Solomon motioned to approve, Mr. Utz second, all voted in favor except Mr. Zurschmiede who abstained.**

**Mrs. Welsh** presented an adjustment in the amount of \$490.89 for Charlestown Crossing explaining that they had to drain and refill the sprinkler system 4 times on a new tenant build-out.

**Mr. Solomon** asked for confirmation from the Sprinkler Company.

**Mrs. Welsh** presented requests that she handled in house for their information.

**Mrs. Welsh** presented a claim from Janice Backerms from \$240.80 from 6 leaks under the house. She said this was one that she did in-house because the amount was under \$500 but she was bringing the information to them to give them an idea of what was going on.

**Mr. Solomon** asked if the rest of the adjustments she has were ones that she had processed in house.

**Ms. Welsh** said yes.

**Mayor Garner** asked Ms Welsh to put \*FYI across the top of the ones that are just for information purposes that she has already taking care of.

**Mrs. Welsh** presented a list of Helvey delinquents that Tina has researched and they are sending out pre-lien letters. She also presented a list of landlords that have to be notified stating that they were sending these out on a quarterly basis because it is so time consuming but she received a call from Stanly Richards saying that they need to notify him every sixty days.

**Mr. Fifer** asked why they can't set it up in the system to flag on a monthly basis which accounts are delinquent more than sixty days and the notices get printed in the sewer office.

**Mrs. Welsh** stated that IN-AWC has not been forthcoming with the information

**Mr. Fifer** stated that he wants to check the statute but he believes that once that account is delinquent for more than thirty days they are required to send notification but after that they aren't required to send anymore notification until the account has been made current and becomes delinquent again.

**Mr. Utz** stated that he believes that we shouldn't have to be managing this information for the owners of these rental properties and that the bills should be in the name of the property owners and they should have to collect and keep track of delinquent tenants.

**Mayor Garner** stated that the State Statute requires them to do this but it does not say that they can't charge a fee for handling this notification.

**Mr. Fifer** stated that they only have to send the notice once until the bill is made current.

**There was a lengthy discussion about the problems Kelly's office has with IN-AWC and getting information from them.**

**Mr. Zurschmiede** asked what needs to be done to take over the billing.

**Mr. Fifer** stated that he would recommend that the board form a committee to work with Kelly to see what needs to be done to take this over.

**Mrs. Welsh** presented an issue that she is having an issue with IN-AWC billing a prorated amount to customers and the ordinance doesn't detail anything about a prorated fee.

**Mayor Garner** stated that she needs to send the information to them and explain that the do not have a prorated fee.

**Ms. Welsh** presented a list of flat rate customers and stated that if it is okay with the board her office can take over the billing. She explained that there are a couple they may want to look at that are paying a fee around \$6-7 a month and she thinks they need to be bumped up to the new rate.

**Mayor Garner** stated that these are no different than swimming pools and wanted to know why they are allowing them flat rates.

**Ms. Welsh** explained one had a second irrigation meter and said that maybe Mr. Dixon could take a look at this.

**Mr. Solomon** stated that there were several on the list that were in town that didn't make since to him to be on flat rate billing. He stated that Mom & Pop's has a meter and they shouldn't be on flat rate.

**Mr. Kochert** stated that at one point they were piped to something else and that may still be the case.

**Mrs. Welsh** stated that she could further investigate the ones that they have questions about and asked if she could go ahead and bill in house the individuals that they are billing a flat rate.

**Mr. Solomon** said that he would like for her to investigate the ones they have questions about first before they do anything.

**Mrs. Welsh** presented information for a new copier she stated that the cost would be \$3995 and the maintenance yearly fee of \$795

**Mr. Kochert moved to approve the purchase of the copier at \$3995, Mr. Zurschmiede second, all voted in favor.**

**Mrs. Welsh** presented the board with information from Knob Pointe Apartments trying to find out why their water rate keeps going up 12% each year.

**Mr. Zurschmiede** said that this is a common occurrence in any apartment complex.

**Mayor Garner** stated that his problem is maintenance.

**Ms. Welsh** asked if there was anyone in particular she should tell him to contact and she explained that he has had American Leak Detection out to as well as IN-AWC

**Mr. Fifer** stated that he needs to contact IN-AWC

**Mrs. Welsh** asked if when they receive a list from the Treasurer of paid liens but they have not received the check yet do they have a problem with them releasing the lien.

**Mr. Fifer** said no

**Ms. Welsh** if there was anyway that they could a get cash box with petty cash for the office so they can make change for customers.

**Mayor Garner** said they will have to have an ordinance for that.

### **NEW BUSINESS:**

#### **Item #3 - Scott Adams re: Pinehurst Subdivision, Plat No. 1291**

**Mr. Adams** presented his plat for Pinehurst Subdivision.

**Mr. Solomon** asked Mr. Dixon where this will tap in.

**Mr. Dixon** stated that he does not know because he has not seen the plans for this project and he didn't know anything about it until tonight. He stated that he has given them information for a process to be followed for the Plan Commission to present

**Mr. Fifer** stated that they need to identify problems when they first allocate credits and not at the end of the project.

**Mr. Adams** suggested that they need to have the Plan Commission to make approval subject to review by EMC.

**Mayor Garner** asked Tina Haley if she had anything for the board.

**Ms. Haley** stated that she didn't.

**Mr. Fifer** stated that he was informed that the additional credit letter from EPA was sent yesterday for 340,000 credits.

**OLD BUSINESS:**

**Item #1 - David Michaels re: sewer adjustments on current bill.**

**Mr. Michaels** was not present.

**Item #2 - Pat Harrison re: delinquent sewer bills.**

**Ms. Harrison** was not present.

**Item #3 - Bill Springston re: Swimming Pool at Bellewood Condos**

**Mr. Springston** stated that the water company will not put a separate meter in there and they told them where he could buy a meter. He also got a second estimate to run a second line from Moser and it was approximately \$1,000 more than the original estimate. He was wondering if they could install their own meter and request an adjustment once a year.

**Mr. Solomon** expressed concerns with making an exception in this case and having more and more individuals coming to them for the same thing.

**Mr. Fifer** stated that he thinks that in situations like this where there is a true hardship it would be okay to make an exception but he wanted to know if this is something that Chris can fit into his schedule once a year.

**Mayor Garner** asked that he get with Rob Sartell to work out a solution that can be brought back to the board.

**Mr. Springston** stated that he also wanted to thank EMC for responding to all the problems they have had recently. He said it seems like they hear a lot of negative stuff about them but they went above and beyond for him and he would like the board to know that.

**Mr. Solomon** asked if the 10<sup>th</sup> street floats are installed and working.

**Mr. Sartell** stated that they are finishing that up today.

**Mr. Crawford** stated that he spoke with them today and they will be testing it tomorrow.

**Mr. Solomon** asked if he received quotes for the other lift stations.

**Mr. Sartell** stated that they were going to give them a quote but their building caught on fire.

**Mr. Solomon** asked Mr. Fifer if he has finished the back-up policy yet.

**Mr. Fifer** stated that he has been very busy and has not gotten to that.

**Mr. Solomon** had a question regarding the man-holes listed on the Basin 18 relief sewer design memorandum.

**Mr. Christmas** stated that he will check but he thinks that he just put in the wrong number.

**Mr. Solomon** asked about FSO(?) & FSO 31 and more specifically Jani Lane.

**Mr. Christmas** stated that it was just an oversight and he would correct it

**Mr. Solomon** asked about page 2 of the Basin 18 sewer design Memorandum

**Mr. Christmas** stated that once this line gets down to 18-14 the new relief line will pick up the flows that are going through the interceptor and that it is reflecting the relief flows.

**Mr. Solomon** stated that on the map there are two 18-8 listed.

**Mr. Christmas** stated he would fix that.

**Mr. Solomon** stated that the lines running into this falling run area has two 24" and a 30" inch line running into a 36" line and this could cause problems.

**Mr. Solomon** asked if he sent a letter to the owner of 511 Windover.

**Mr. Fifer** stated that he would get it out this week after talking with Kelly.

**Mr. Solomon** asked if everyone had looked over the Lafollette Wastewater lift station study that shows there is \$9M to service that area and he believes that it should be done with developer dollars. He doesn't believe that we can continue to do these DLT agreements because of tracking requirements. He stated that we need to plan now for the expansion in this area. He stated that he doesn't believe that the people in the city shouldn't have to pay for expansion in the county.

**Mr. Fifer** stated that he believes that the first guy that builds should be required to put in the largest line possible

**Mayor Garner** stated that they are spending their money on the design part and it is up to the developers to build what it is that the City designs.

**Mr. Solomon** stated that he agrees that the City should pay for Basin 4 and Robert E. Lee projects but they should have to pay for the Floyds Knobs infrastructure.

**There was a lengthy discussion about what the City should require from developers for the Lafollette Line area.**

**Mr. Solomon** told Mr. Christmas that he thought this was a very good report but he thought there needed to be some clarification on page seven. He asked where we are on the Master Plan.

**Mr. Elling** stated that he would look at the proposal to see how it could be adjusted and get back with them.

**Mr. Solomon** asked what the status was on Fox/Cotner.

**Mr. Fifer** stated that he hasn't heard anything on this.

**Mr. Solomon** asked what the statute of limitations was on this.

**Mr. Fifer** stated that was met when they filed the lawsuit. He stated that after six months if nothing is done the court can send out a letter requiring something to be done or the case will be dismissed.

**Mr. Solomon** stated that he doesn't understand why the Robert E. Lee pump station was moved from priority 3 to priority 7. He stated that he doesn't agree with it and hasn't heard a good reason from anyone why he should change his mind. He motioned to move

the Robert E. Lee pump station and force main back to priority 3, Mr. Kochert second,

**Mr. Utz** asked from a timing stand point what is he talking about

**Mr. Solomon** said 2007 and explained that they already have the design and he stated that he guesses that the reason behind the change is that they will get flow reduction, but he doesn't think they will get enough when they do the monitoring and he stated that they have already had events that they should have captured but didn't. He asked why the meter got wet causing them not to have adequate information.

**Mr. Dixon** stated that there was a 5 gallon bucket stuck in a pump that caused a surcharge in the line and the meter got wet.

**Mr. Solomon** stated that he still doesn't understand why this was moved to #7 when it clearly needs to be repaired.

**Mayor Garner** stated that he believes the reasoning behind it was because they did not have adequate analysis on this pump station, but that it was understood that when that information came in it could be moved back up.

**Mr. Solomon** stated that he doesn't believe that is an adequate reason to push it back when we have a report from 2002 that states that this pump needs to be up-graded. He stated that his motion still stands.

**Mr. Fifer** stated that he believes the reasoning behind it was simply the function of that location not being an active SSO and not being a pending SSO not assuming some reasonable mechanical liability. He explained that it was a strategic decision to go to the City Council and get as much money as they can for capital improvements. He stated that he doesn't believe it should go back to number three because of projects like Basin 18, 35 and Lewis Street being in such a condition that they need immediate attention. He also stated that part of what was promised from the council has been delivered but the \$1.5 million has not and that is not finding any new dollars that is just going back to retrieve what they were promised and that all monies that come out of EDIT has to be done by special appropriations and has to be advertised. He said he put the documents together and they are going to the paper and there will be a public hearing on May 17, 2007 before the regular council meeting and he invited all of the board members to come.

**Mr. Utz** stated that they should go over the projects and what they cost.

**Mayor Garner** stated that basin 35 is \$900,000 for in ground.

**Mr. Christmas** stated that he has basin 18 estimated at \$1.3 million.

**Mr. Solomon** stated that if the council comes through with the money as promised they should have enough money to do those projects as scheduled with some left over.

**Mr. Utz** asked if they were going to have \$450,000 in TIF money for basin 35.

**Mayor Garner** said this year and next year also to pay for the \$900,000.

**Mr. Utz** asked with all of this together how close they are to being able to do Robert E. Lee.

**Mr. Fifer** said they aren't even in the ballpark

**Mr. Utz** asked for an estimate.

**Mr. Fifer** stated that his recollection is that they were roughly \$1.5 million short of doing all the projects for 2007-2008 even after deferring Robert E. Lee and he doesn't see how they are going to get any more money considering the current state of affairs of the City.

**Mr. Kochert** asked once they get 18 and 4 done what will they do with them. He stated that without Robert E. Lee they wouldn't be able to use them.

**Mr. Solomon** stated that his point is that Robert E. Lee is in the city it is 40 years old and it needs to be fixed, and in order to serve Lafollette it had to be made a priority. stated that he would agree that Basin 18, Basin 35 and Lewis Street should be project 1, 2 and 3, but he believes that Robert E. Lee force main should be next and then Basin 4.

**Mr. Utz** asked he thought it was a waste to spend money on Basin 4

**Mr. Solomon** stated that there is no overflow there and it makes no sense to do it when Robert E. Lee is in the condition it was in.

**Mayor Garner** stated that he will not entertain the motion because this list has never been set in stone by the Sewer Board or the Council nor has it been voted on.

**Mr. Solomon** said that was his point that they board didn't have input.

**Mayor Garner** said they board did have input but unfortunately he missed that meeting.

**Mr. Fifer** stated again that it wasn't done to squash the project it was done to get as much money as they could from the council.

**Mayor Garner** stated that were trying to inform the council of what is potentially out there.

**Mr. Solomon** asked if Clark Dietz was going to certify Robert E. Lee if it still leaks on to Lafollette Station.

**Mr. Solomon made a motion to revise the Capital Improvement Plan so that Basin 18 project 1, Basin 35 project 2, Lewis Street project 3, Robert E. Lee Pump Station project 4, Robert E. Lee force main project 5, and Basin 4 project 6, Mr. Kochert second,**

**Mayor Garner** stated that four members were able to make the meeting and they all agreed to the change.

**Mr. Kochert** stated that he did not nor does he agree with it.

**Mayor Garner** stated that he was at the meeting and agreed to it then to take it to the council.

**Mr. Zurschmiede** said from his point of view it was never set in stone but it was something to take to the council.

**Mayor Garner** said it wasn't set in stone and that they were just waiting on Clark Dietz to give them a little more analysis and if they had to move it up they would. He said it was an informational workshop and the council didn't vote on anything.

**Mr. Kochert** asked how long they were going to milk this.

**Mayor Garner** asked him what he was talking about.

**Mr. Fifer** said they are missing the point and what they need to be doing and what they were on the path to doing for the last three years was fixing things that are active overflows. He explained that they need to be putting basin 35 out to bid and approving design work for basin 18. He said those are the top priorities and they could have left it how it was and asked for \$3 million and been shot down.

**Mayor Garner** stated that all the projects are on the list and if it needs to move up because of priority then they can move it up just as quickly as they moved it down.



**Mr. Solomon** stated that he hasn't heard a thing about the EMC Contract negotiations and he wanted to know why he hasn't been informed.

**Mr. Fifer** stated that he brought the draft with him today and that he just received it a couple of days ago with the request to have a meeting to go through it and they need to schedule a meeting.

**Mayor Garner** stated we will have an executive session to discuss the contract negotiations and get the updates.

**Item #1 - Donohue re: Project Update**

**Mr. Elling** stated that Amendment #1 to the 15<sup>th</sup> Street Infrastructure Study was revised and he went over the amendments and asked if anyone had any questions.

**Mr. Solomon** asked about #8 on page 3 he wondered what other field investigations there may be.

**Mr. Elling** stated that there would need to be geotechnical work.

**Mr. Utz** asked what the boring has found.

**Mr. Elling** stated that this has not been done yet.

**Mayor Garner** stated that this is phase 3 and the original borings were just for phase 1.

**Mr. Solomon** asked if Mr. Dixon had received the Pipe Eyes contract.

**Mr. Dixon** explained that he has talked with them and asked about the dumping of the debris somewhere other than the plant. He is still waiting to hear what it would cost to take the debris some place else for dumping.

**Mr. Solomon moved to approve the agreement, Mr. Utz second, all voted in favor.**

**Mr. Elling** stated that he has task order #4 for miscellaneous services that they perform for the city in the amount of \$10,000.

**Mr. Solomon** asked what class of engineer Mr. Gress fell under.

**Mr. Elling** stated that he was a Class 5.

**Mr. Solomon** asked what class Miller was.

**Mr. Elling** stated that he is a Class 6.

**Mayor Garner** asked him to bring it to the next meeting to give them time to digest this.

**Item #2 - Clark Dietz re: Project Update**

**Mr. Christmas** stated that he sent out a copy of the certification letter for Stone Crest on Grantline Road for the preliminary connection.

**Mr. Dixon** asked if he has looked at the Industrial part in that area.

**Mr. Christmas** stated that they did and they have had a meeting with John Rosenbarger and \_\_\_\_\_ and informed them that if they keep the line at the same grade it not effect the current amount surcharging in that area.

**Mr. Solomon** asked who paid for that.

**Mr. Christmas** stated that they just did it.

**Mr. Solomon** said this was nothing against Mr. Fifer but they are paying him to be the utility manager and he believes they need to hire someone to do this. He said Mr. Fifer is the attorney and he bills the city for the hours that he spends doing extra work and they should hire a utility manager and the board should have input in investigations.

**Mr. Christmas** stated that on the Basin 18 memo he will get with Mr. Sartell to verify the manhole numbers and he will get with Hans to revise this.

**Mayor Garner** asked if Mr. Solomon would like an update on the memo concerning basin 18 before they do anything.

**Mr. Christmas** asked if they wanted to move forward with the Basin 18 contract pending the revisions.

**Mr. Solomon** stated that he would like an up-date on the memo before voting on this agreement. He wants to make sure all the other concerns will be taken care of before they proceed.

**Mayor Garner** asked Mr. Christmas to email them the information and asked if they wanted to vote pending getting this information or if they wanted to wait

**Mr. Christmas** stated that he could get the information to them by Friday if they wanted to vote on it pending that information.

**Mr. Solomon motioned to approve the Basin 18 relief sewer contingent that the memo is up-dated indicating the overflows at 18-15, 18-16, 22 C-2, 20-3 will be eliminated and 18-65 if it is determined that there is overflow there, Mr. Zurschmiede second, all voted in favor.**

#### **EMC REPORT:**

**Mr. Crawford** stated that he generated a memo regarding the Electrical and Natural Gas expenses and that they will deliver a check to the City Controller's office in the amount of \$36,698.71.

**Mr. Dixon** reported that he has a letter from Main Street development requesting a release for a partial of the bond and he wanted to know if they want him to go out and inspect the lines to make sure they are okay.

**Mayor Garner** stated that he wanted him to sign off and to have Chas Hunter and Scott Wood to sign off on it as well.

**Mr. Dixon** stated that he received a quote to repair the exposed sewer line at Clear Stream Court in the amount of \$11, 450.00. He explained that he contacted four contractors but he only received one quote.

**Mayor Garner** asked that he get more quotes.

**Mr. Dixon** stated that he heard back on the camera and it is not fixable. He received a quote on a refurbished camera for a total of \$8,850.00 and he would like authorization to purchase it before May.

**Mayor Garner** asked if it would fit in the van.

**Mr. Dixon** stated that it is the best model for them not to have to re-fit the truck.

**Mayor Garner** asked if this would last the two years that they need it.

**Mr. Dixon** stated that he has been told by Pipe Eyes that it would.

**Mr. Utz moved to approve the purchase of the camera, Mr. Solomon second, all**

**voted in favor.**

**Mr. Dixon** stated that he provided a process for them to work with Planning and Zoning and he would like them to look over this and give him any suggestions that they may have. He also provided quotes for a new truck that was given to the board to review for the next meeting.

**BIDS:**

**CLAIMS:**

**ADJOURNMENT:**

There being no further business before the Sewer Board, the meeting adjourned at 6:52 p.m.

Respectfully submitted,

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Mayor James Garner, Chairman

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Marcey J. Wisman, City Clerk